

U.S. DISTRICT COURTDISTRICT OF DECEMBERNOTICE OF CHANGE OF
ADDRESS TO:DUNCAN J. MCNEIL III
2030 W. SPOFFORD
SPOKANE, WA 99205

RECEIVED

APR 27 2006

IN RE: KAISER ALUMINUM
DEBTORSBK NO: 02-10429
(CLAIM NO. 736)IN RE: KAISER
ADDRESSEESMC NO. 06-41
(CV-06-178)DUNCAN J. MCNEIL III
APPELLANT

CV-05-574

v.
KAISER ALUMINUM
ADDRESSEESREQUEST FOR ELECTRONIC
FILING AND ELECTRONIC
SERVICE BY THE
CLERK OF THE COURT.

PETITION AND
 ① REQUEST FOR JUDICIAL NOTICE; ② MOTION
 FOR FINDINGS OF FACT & CONCLUSIONS OF
 LAW PER FRCP 52 & 65; ③ EX PARTE
 FOR TRO/OSC AND PRELIMINARILY INJUNCTION
 ENJOINING "DENIAL OF ACCESS ORDERS"
 ("DOA ORDERS") AND MANDATING ACCESS TO
 COURT TO DIRECTLY OR COLLATERALLY
 ATTACK DOA ORDERS WHERE PETITIONER
 HAS "FUNDAMENTAL INTERESTS AT
 STAKE"; ④ FOR FINDING OF "FUNDAMENTAL
 INTEREST" IN SUPPORT OF TRO/OSC &
 PRELIMINARILY INJUNCTION; ⑤ FOR
 ELECTRONIC SERVICE BY USDC CLERK AND
 REASONABLE ACCOMMODATIONS FOR ACCESS TO COURT.

PETITIONER & APPELLANT, BEING
SWORN UPON OATH, HEREBY BY
DECLARES:

I. REQUEST FOR JURISDICTIONAL NOTICE

1. PETITIONER, PURSUANT TO FRCP
52, 59, 60 & 65 HEREBY SEEKS A ~~1~~
PRELIMINARILY INJUNCTION (P.I.) BY
WAY OF A TEMPORARY RESTRAINING ORDER
(T.R.O.) AND AN ORDER TO SHOW
CAUSE (O.S.C.) ^① ENJOINING THE USE
EXECUTION AND ENFORCEMENT OF ALL
DENIAL OR ACCESS ORDERS ('DOA ORDERS')
AGAINST APPELLANT; ^② THE GRANTING
OF FULL FAITH & CREDIT TO THE 21
SEPARATE FINAL JUDGMENTS & CONSENT
DECRESSES, ADMITTED INTO EVIDENCE IN
THIS ACTION (SEE EX.2, PGS 34 OF 35
TO 35 OF 35) AND ENTITLED TO FULL
FAITH & CREDIT HEREIN, PURSUANT TO
U.S. CONST. ART IV §1 AND 10 DEL.C.
§§ 4781 TO 4787 (THE DELAWARE
UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS
ACT (UEFJA)); AND ^③ THE GRANTING OF
PETITIONER ~~RE~~-ACCESS TO THIS
COURT, BY MANDATING THE GRANTING
OF REASONABLE ACCOMMODATIONS TO
PETITIONER, AN INDIVIDUAL WITH AN
ESTABLISHED DISABILITY, WHO IS
OTHERWISE QUALIFIED TO RECEIVE THE

BENEFITS, PROGRAMS AND SERVICES OF THIS COURT, INCLUDING BUT NOT LIMITED TO ALL CONSTITUTIONALLY PROTECTED DUE PROCESS AND "VESTED PROPERTY" RIGHTS.

2. PETITIONER REQUESTS THAT THIS COURT ~~NOT~~ TAKE JURISDICTIONAL NOTICE OF, INCORPORATE HEREIN, AND GRANT ADMISSIBILITY HEREIN, PURSUANT TO FRCP 44(a)(1) AND FRE RULE 201(b)(2) THE "OFFICIAL PUBLICATIONS THEREOF" ON THE COURT'S "PACER" SYSTEM, THE FOLLOWING PUBLIC AND COURT RECORDS:

A. D.I. 4, FILED 9/19/05, IN USDC-D-DE CASE NO. 05-CV-574, "EX PARTE MOTION..." FOR TRO/OSC & P.I.;

B. D.I. 6, FILED 10/11/05, CASE 05-CV-574, "NOTICE OF COLLATERAL ATTACK...";

C. D.I. 7, FILED 10/11/05, CASE 05-CV-574, "EX PARTE MOTION...";

D. D.I. 8, FILED 10/11/05 CASE 05-CV-574, "EX PARTE MOTION IN SUPPORT...";

E. D.I. 9, FILED 10/11/05, CASE 05-CV-574, "DECLARATION IN SUPPORT...";

F. D.I. 13, FILED 11/13/06, CASE 05-CV-574, "EX PARTE APPLICATION TO PROCEED...";

G. D.I. 14, FILED 11/13/06, CASE 05-CV-574, "PETITION & REQUEST TO CLERK FOR REGISTRATION

OF "FOREIGN JUDGMENTS . . .",
 PURSUANT TO UEPJA, 10 DEL. C. § 4781 TO 4787; (EX. 2, ^{THEIR TO LISTED}
^{21 SEPARATE FOREIGN JUDGMENTS} H. D. I. 16, FILED 2/21/06, CASE 05-cv-574,
 "RETURN OR UNDELIVERABLE MAIL . . ."
 I. D. I. 18, FILED 4/11/06, CASE 05-cv-574,
 "REQUEST FOR REASONABLE ACCOMMODATION . . .";
 J. D. I. 19, FILED 4/11/06, CASE 05-cv-574,
 K. EX 2, PGS 21 OF 35 TO 25 OF 35,
 HEREIN, ITEMS "9" TO "U", 21 SEPARATE
 FINAL JUDGMENTS AND/OR CONSENT DECREES,
 AS ~~PUBLISHED~~ ESTABLISHED BY THE "OFFICIAL
 PUBLICATIONS THEREOF", PER FRCP 44(a)(1)
 AND FRE RULE 201(b)(2), AND ~~PUBLISHED~~
 WHICH ARE ENTITLED TO FULL FAIR & CREDIT
 BY THIS COURT, PURSUANT TO U.S. CONST.
 ART. IV § 1 AND 10 DEL. C. §§ 4781 TO
 4787.

30 I HEREBY CERTIFY THAT THE FOREGOING
 ARE THE "OFFICIAL PUBLICATIONS THEREOF"
 ON THE COURT'S "PACER" SYSTEM, AT
 THE INDICATED CASE NO. AND DOCKET #,
 AND AS SUCH ARE ADMISSABLE IN THE
 CAPTIONED ACTIONS, AND I HEREBY
 REQUEST AS A REASONABLE ACCOMMODA^{TION}
 TO MY ESTABLISHED DISABILITY,
 (SEE 29 U.S.C. § 794, REHABILITATION ACT OF

1973 AND 42 U.S.C. §§ 12101-12213,
ADA) I REQUEST THAT THE CLERK OF
THE COURT, OBTAIN, PRINT, COPY & FILE
EACH OF THE FOREGOING PUBLIC RECORDS
AND THAT THEY BE FILED AND DOCKETED
IN THE CAPTIONED ACTIONS, THAT
REQUEST FOR JUDICIAL NOTICE
THEREOF BE GRANTED, THAT THEY
EACH BE ORDERED TO BE ADMISSABLE
IN THE CAPTIONED ACTIONS, AND
THAT THE FINAL JUDGMENTS, AND
FINAL CONSENT DECRESSES LISTED
ON EX. 2 (PGS 34 OF 35 TO 35 OF 35)
BE GRANTED FULL FAIR & CREDIT
BY THIS USCA AND THAT THE USDC
BE COMPELLED TO DO THE SAME.

II MOTIONS FOR FINDINGS OF FACT
AND CONCLUSIONS OF LAW

4. WHEN GRANTING OR DENYING
A PRELIMINARY INJUNCTION THIS
COURT HAS A MANDATORY NON-
DISCRETIONARY DUTY TO SET FORTH
DETAILED FINDINGS OF FACT AND
CONCLUSIONS OF LAW, SO THAT THE
TRIAL JUDGE IS REQUIRED TO

ASSERTAIN FACTS WITH DUE CARE
SO AS TO RENDER A DECISION
IN ACCORDANCE WITH THE UNCONTROVERSED
OR CONTROVERSED, BUT FOUND EVIDENCE,
AND THE LAW, SEE INVERNESS CORP
vs. WHITEHALL LABS, 819 F.2d 48 (2nd
CIR 1987).

5. IN CASE NO. 05-574, D.I. 4 (9/19/05)
AND D.I. 13&14 (1/13/06) THE PETITIONER
Sought A TRO/OSC & P.I. PURSUANT
TO FRCP 52 & 65, REQUIRING THIS
COURT TO ENTER FINDINGS OF FACT
AND CONCLUSIONS OF LAW IN THE
GRANTING OR REFUSING THE TRO/
OSC & P.I.

6. THE COURT'S ORDER OF 9/27/05,
D.O. 5, MAKES NO REFERENCE TO
D.O. 4, AND ~~NE~~ INCLUDES None OF
THE REQUIRED FINDINGS OF FACT
OR REQUIRED CONCLUSIONS OF LAW.
THE PETITIONER HAS NEVER BEEN
SERVED WITH THE COURT'S 2/7/06
ORDER IN 05-574, D.I. 15 (SEE
D.I. 16) BUT THE DOCKET ENTRY
MAKES NO MENTION OF THE
DENIAL OF THE TRO/OSC & P.I.
Sought IN D.O. 4. TR 25 35

~~AS SUCH, PETITIONER'S~~

7. WHILE DoJ. 15 ~~DOCKET~~ (UNKNOWN)
ENTRY STATES THAT THE RELIEF
REQUESTED IN DoJ. 13 #14 15
"DENIED," THE DOCKET ENTRY
DOES NOT REFER TO ANY OF
THE MANDATORY FINDINGS OF FACT
OR CONCLUSIONS OF LAW, THAT
FORMED THE BASIS FOR THE
COURT'S DENIAL OF INJUNCTIVE
RELIEF, ~~RELEIF~~

8. ~~AS SUCH~~ AN ORDER DENYING
INJUNCTIVE RELIEF IS VACATED
AND REMANDED WITH DIRECTIONS
WHEN THE DISTRICT COURT DID NOT
MAKES FINDINGS OF FACT OR STATE
CONCLUSIONS OF LAW, AND/OR THE
PETITIONER WAS NOT AFFORDED
AN ADEQUATE HEARING, SEE
MCKHINNEY v. CAIN, 289 F.2d 315
(CA. PA. 1961).

9. IN GRANTING OR DENYING
REFUSING A PRELIMINARY INJUNCTION
THE DISTRICT COURT IS REQUIRED

⑥ TO MAKE EXPLICIT FINDINGS OF
 FACT AND CONCLUSIONS OF LAW,
 UPON WHICH ITS CONCLUSION OR
 ORDER IS BASED, SEE Io. C. Co. v.
CARDINALE TRUCKING CORP., 308
F. 2d 435 (2nd Cir 1962); SEE ALSO
DAVIS V. U. S., 422 F.2d 1139 (11th Cir.
 1970).

10. THE TRIAL COURT MUST SUPPLY
 ADEQUATE FINDINGS TO SUPPORT
 ITS ORDER, SEE PARCEL 49 C LP. V. US,
31 F.3d 1147 (FED Cir. 1994).

11. THE RULE REQUIRING THE TRIAL
 COURT TO STATE ITS FINDINGS AND
 CONCLUSIONS EXPLICITY WHEN GRANTING
 OR DENYING AN INJUNCTION IS OF
PARAMOUNT IMPORTANCE TO
 PROPER REVIEW BY APPELLATE COURT,
 SEE FAIR HOUSING V. TOWN OF ANTHROPO
316 F.3d 357 (2nd Cir, 2003).

12. IN THIS ACTION THE 21 SEPARATE
 FINAL JUDGMENTS AND FINAL CONSENT
 DECRESSES, ALREADY ESTABLISHED AND
 INCLUDE INJUNCTIONS, UNDER
 11 U.S.C. 362^(b) (REIMPOSED AUTOMATIC STAY)
 AND UNDER 11 U.S.C. §§ 524 AND 1141
 (DISCHARGE & DISCHARGE INJUNCTIONS)
 ALONG WITH OTHER LIKE INJUNCTIONS
 CONTAINED IN WRITS 02-0001 TO 02-

02-0005 (Ex. 2, ITEMS "h" TO "I",
PG³⁴ OF ³⁵, HERIN).

13. BY THIS MOTION FOR TRO/OS & P.I., THE PETITIONER, BASED UPON THE FULLY ADJUDICATED FACTS, CONCLUSIONS, ORDERS, DECREES, WRITS AND EXECUTIONS CONTAINED WITHIN THE 21 SEPARATE FINAL JUDGMENTS AND FINAL CONSENT DECREES, SIMPLY SEEKS THE EXTENSION OF PRE-EXISTING, AND FULLY ADJUDICATED INJUNCTIONS AND THE "VESTED RIGHTS" THEREIN, TO BE ENFORCED BY THIS U.S.C.A. IN THIS CIRCUIT, AND THE USDC, IN IT'S DISTRICT. THE ISSUANCE, SUA SPONTE, OF THE REQUESTED TRO/OS & P.I. IS MANDATORY, NON-DISCRETIONARY AND MINISTERIAL ACT UNDER U.S. CONST. ART IV §1, 28 USC §1738 AND 10 DEL. C. §§ 4781 TO 4787.

14. ALL OF THE OFFERED FACTS, EVIDENCE AND RECORDS SUBMITTED IN SUPPORT OF THE REQUESTED

TRO/OSC & P.I. IS UNCONDITIONAL
ED BY ANY FACT, STATEMENT
OR EVIDENCE SUBMITTED BY
THE REORGANIZED DEBTOR,
KAISER ALUMINUM. THERE IS
SIMPLY NO EVIDENCE, OF
ANY NATURE THAT WOULD
SUPPORT A FINDING OR
CONCLUSION DENYING THE
REQUESTED TRO/OSC & P.I.

15. IF A FINDING IS DIRECTLY
CONTRARY TO THE ONLY EVIDENCE
PRESENTED THAT FINDING IS
PROPERLY CONSIDERED TO BE
CLEARLY ERONEOUS. SEE
TRANS-ORIENT v. STAR TRADING,
925 F.2d 566 (2nd Cir 1991).

16. AS SUCH THE PETITIONER
HEREIN SUBMITS ALL PREVIOUSLY
ADJUDICATED FINDINGS & CONCLUSIONS
(SEE EX. 2, ITEMS "A" TO "U") AS WELL
AS THOSE OFFERED IN THE
REQUEST FOR JUDGMENT NOTICE
HEREIN, ~~ITEMS~~ 2(A) pg 3, TO 2(D) pg 4
HEREIN, IN SUPPORT OF THE ~~ITEMS~~ 2
pg 10 OF ~~35~~

OF THE TRO/OSC & P.I, SOUGHT
 HEREIN, AND ^{AS SOUGHT} BY D.I. 4, (9/19/05)
 13 & 14 (1/3/06) IN CASE NO. 05-574,
 AS THEN ^{INJUNCTIVE} RELIEF SOUGHT HEREIN AND
 BY D.I. 4, 13 & 14, IS INJUNCTIVE
 RELIEF THAT THE PETITIONER
 HAS ALREADY BEEN PROPERLY
 HELD TO BE ENTITLED TO, BY
 EXISTING FINAL AND FULLY
 ADJUDICATED JUDGMENTS AND
 CONSENT DECRESSES.

III. MOTION FOR TRO/OSC
AND PRELIMINARY INJUNCTION

17. BY WAY OF THE ADJUDICATED
 FACTS AND CONCLUSIONS AND THE
 UNCONTROVERTED OFFERED FACTS
 AND CONCLUSIONS, AND PURSUANT TO
 U.S. CONST. ART IV §1; 28 USC § 1738;
 10 DEL. C. §§4781 TO 4787, THE
 PETITIONER SEEKS THE SOONEST
 ISSUANCE OF A TRO/OSC, FOLLOWED
 BY A PRELIMINARY INJUNCTION,
 MANDATING AND PROHIBITING THE
 FOLLOWING, IN THE ~~Court~~ DISTRICT:

A. PROHIBITING THE USE, EXECUTION OR ENFORCEMENT, IN THIS DISTRICT, BY THE REORGANIZED DEBTOR, KAISER ALUMINUM CORP ("KAISER"), OR ANY OTHER PERSON, ANY AND ALL "VEXATIOUS LITIGANT", "STRIKE" OR "3-STRIKE" (AS DEFINED BY 28 USC 1915(g)) OR OTHER DENIAL OF ACCESS ORDERS, THAT HAVE NOT BEEN SPECIFICALLY ALLOWED OR PRESERVED BY THE FINAL JUDGMENTS AND FINAL CONSENT DECREES LISTED ON EX. 2, IN THE CAPTIONED MATTERS, OR IN ANY OTHER MATTER OR ACTION IN THIS DISTRICT;

B. PROHIBITING ANY ACT, ACTION OR CLAIM, MADE, SOUGHT OR ADVANCED IN VIOLATION OF, OR IN CONTRAVENTION OF THE:

i) REIMPOSED AUTOMATIC STAY, PER 11 USC. § 362, AS ESTABLISHED BY ITEMS "a" AND "d" OF EX. 2, AND/OR THE REMAINING FINAL JUDGMENTS OR FINAL CONSENT DECREES, LISTED ON EX. 2;

ii) THE DISCHARGE AND DISCHARGE INJUNCTION, PER 11 U.S.C. § 524 § 1141, AS ESTABLISHED BY ITEMS "a", "b", "c" AND "d" OF EX. 2, AND/OR THE REMAINING FINAL JUDGMENTS OR FINAL CONSENT DECREES, LISTED ON EX. 2;

iii) WRITS OF OBEDIANCE, WRITS 02-0001 TO 02-0005, ITEMS "h", "i", "j", "k" & "l" ON EX. 2.

C. MANDATING ANY AND ALL ACTS OR ACTIONS, SPECIFIED, DETAILED, DIRECTED, OR DECLARED BY ITEMS "b", "c" OR "d", AND/OR WRITS 02-0001 TO 02-0005, ITEMS h TO l, EX. 2;

D. MANDATING THE CLERK OF THIS COURT, TO SUA SPONTE, ON THE EX PARTE APPLICATION OF THE PETITIONER, TO ISSUE SUCH MESNE PROCESS, WRITS OR EXECUTIONS, WITHOUT FURTHER ORDER OF THIS COURT, AS NECESSARY OR REQUIRED, OR REQUESTED BY THE PETITIONER TO FULLY EXECUTE OR AND/OR ENFORCE UPON THE TERMS, PROVISIONS, OR BELIEVER AND "VESTED RIGHTS" ESTABLISHED BY OR SET FORTH IN THE FINAL JUDGMENT OR CONSENT DECRESSES, LISTED ON EX. 2;

E. PROHIBITING ACTS BY ALL PERSONS, IN THE INTERFERENCE OF THE PETITIONER'S ACCESS TO THIS COURT, AS NECESSARY AND OR REQUIRED OR REQUESTED FOR THE PETITIONER TO FULLY AND TIMELY EXECUTE AND ENFORCE UPON THE FINAL JUDGMENTS OR FINAL CONSENT DECRESSES, LISTED ON EX. 2.

C. FOR AN ORDER OF THIS COURT, FINDING AND INCORPORATING THEREIN, ALL FINDINGS OF FACT, STIPULATED TO FACTS, CONCLUSIONS OF LAW AND OTHER FINDINGS, CONCLUSIONS, ORDERS OR DECRESSES MADE OR STATED IN THE FINAL JUDGMENTS AND FINAL CONSENT DECRESSES, LISTED ON EX. 2, AS THE FINDINGS AND CONCLUSIONS OF THIS COURT, IN SUPPORT

OF THE GRANTING OF THE REQUESTED
INJUNCTIVE RELIEF. UNCONTROVERTED

A. STATEMENT OF THE CASE & FACTS

18. THIS ACTION IS AN APPEAL FROM THE BANKRUPTCY COURT'S ~~RE~~ ORDER CONFIRMING KAISER'S PLAN OF REORGANIZATION. THE PETITIONER IS A CREDITOR HOLDING AN ALLOWED CLAIM, UNDER KAISER'S CONFIRMED PLAN.

19. THE PETITIONER ASSERTS, IN THIS APPEAL, THAT HIS CLAIM WAS IMPROPERLY AND ERONEOUSLY RE-CLASSIFIED ~~AS~~ AND REDUCED BY BANKRUPTCY COURT ORDER OF 6/27/05, Dkt. 6975, AND BY KAISER'S SUBSEQUENT CONFIRMED PLAN OF REORGANIZATION.

20. PETITIONER FURTHER ASSERTS THAT HE WAS DENIED ACCESS TO THE BANKRUPTCY COURT, IN VIOLATION OF HIS 1ST AMEND. RIGHTS, AND WAS DENIED DUE PROCESS, NOTICE AND OPPORTUNITY TO BE HEARD BY THE PROCEDURES THAT RESPECTED IN THE CONFIRMATION OF KAISER'S PLAN OF REORGANIZATION AND THE RE-CLASSIFICATION AND REDUCTION OF THE PETITIONER'S ALLOWED CLAIM.

21. THE REORGANIZED DEBTOR HAS NOT DISPUTED OR CONTROVERSED ANY OF THE PETITIONER'S ASSERTIONS.

22. PETITIONER'S CLAIM AND ISSUES ON APPEAL HAVE NO CONNECTION OR RELATION TO THE CLAIMS OR ISSUES ON APPEAL AS TO THE OTHER APPELLANT'S WHO'S APPEALS ARE CONSOLIDATED INTO 06-MC-41.

23. KAISER, BY WAY OF THE SUA SPONTE ORDERS OF THE USDC. IN CASE NO. 05-cv-574, D.I. 5 (9/27/05), D.I. 15 (2/7/06) AND D.I. 20 (4/13/06) SEEKS TO BAR THE PETITIONER'S ACCESS TO THIS COURT, AND PETITIONER'S STATUTORY RIGHT TO APPEAL, BY SUA SPONTE, WHO NOTICE, HEARING, OPPORTUNITY TO BE HEARD, ORDERS' FINDING AND DECLARING PETITIONER INELIGIBLE FOR IFP STATUS, UPON THE UNSUPPORTED CLAIM THAT PETITIONER IS BARRED BY "3-STRIKES" AND THE PROVISIONS OF 28 U.S.C. § 1915(g) (2000).

24. KAISER (AND/OR THE COURT) HAVE OFFERED NO ADMISSABLE EVIDENCE TO SUPPORT THE CLAIM OF "3-STRIKES" AND RELIES SOLELY UPON THE COURT'S SUA SPONTE FINDING OF "3-STRIKES," w/o

HEARING ON OPPORTUNITY TO BE
HEARD, BY THE PETITIONER.

25. THE PETITIONER DISPUTES
THE COURT'S ~~UNDISPUTED~~ UNSUPPORTED
FINDING OF ~~THE~~ "3-STRIKES"
AND HAS SUBMITTED SUBSTANTIAL
UNCONTROVERTED ADMISSABLE
EVIDENCE, ESTABLISHING THAT
THE PETITIONER HAS NO
COUNTABLE "STRIKES", AND THAT
§ 1915(g) IS INAPPLICABLE TO THE
INSTANT ACTION.

26. IN SUA SPONTE DECLARIA
"3-STRIKES" ~~THE~~ KAISER,
KAISSER, THROUGH IT'S ADVOCATE
THE U.S. DISTRICT COURT,
RELYES UPON ALLEGED "FOREIGN
JUDGMENTS" (PENDETERED OUTSIDE
THE DISTRICT) FOR WHICH NO
ATTEMPT HAS BEEN MADE TO
AUTHENTICATE, ADMIT INTO
EVIDENCE, REGISTER OR
OTHERWISE VALIDIFY THE
CLAIMED "STRIKE" FOREIGN ORDERS.

27. PETITIONER, BY WAY
OF ADMISSABLE AND UNCONTRO-
VERTED EVIDENCE, ASSERTS THAT
THE CLAIMED "STRIKE" ORDERS

ARE "VOID AB INITIO" ORDERS
OF NO FORCE AND EFFECT,
ARE NOT ENFORCEABLE IN THIS
COURT OR IN THIS DISTRICT
AGAINST THE PETITIONER, AND
ARE SUBJECT TO THE PETITIONER'S
COLLATERAL ATTACK, IN THE
CAPTIONED ACTIONS.

28. By uncontested
and admissible evidence
the petitioner has fully
established that the
claimed "STROKE" and/or
"3-STROKE" orders, and/or
other "DOA ORDERS" are
"VOID AB INITIO", as a matter
of federal statute and law,
due to pre-existing final
judgments and/or final
consent decrees as listed
herein on Ex. 2, (PG 34 or 35 to
35 or 35) and as properly
admitted into evidence in
the captioned actions, and as
properly registered in this
court and in this district
pursuant to 10 Del. C. §§ 4781 to 4781.

29. KAISER, THROUGH IT'S ADVOCATE, THE USDC, HAS OFFERED NOTHING TO CONTRAVENE, DISPUTE OR CHALLENGE PETITIONER'S "FOREIGN JUDGMENTS" (SEE EX. 2), AND HAS THEREFORE CONCEDED THE VALIDITY, ENFORCEABILITY AND SUPERIOR NATURE OF PETITIONER'S "FOREIGN JUDGMENTS".

30. KAISER, THROUGH IT'S ADVOCATE THE USDC, HAS OFFERED LITERALLY NOTHING TO CREATE AN ACTUAL "CONTROVERSY" AS REQUIRED BY U.S. CONST. ART III, AS TO THE VALIDITY, ADMISSABILITY AND ENFORCEABILITY OF THE PETITIONER'S "FOREIGN JUDGMENTS", WHICH ON THEIR FACE, REQUIRE THIS COURT TO VACATE AND DECLARE "VOID AB INITIO" ALL "DOA ORDERS", "STRIKE" OR "3-STRIKE" ORDERS CLAIMED OR ASSERTED AGAINST PETITIONER, IN THE ATTEMPT TO BLOCK PETITIONER'S STATUTORY RIGHT

TO PREV AGENT AND REVIEW
OF THE RE-CLASSIFICATION AND
REDUCTION OF PETITIONER'S
ALLOWED CLAIM, AS VESTED
BY KAISER'S CONFIRMED
PLAN.

B. PETITIONER IS ENTITLED TO
A TEMPORARY RESTRAINING ORDER
AND A PRELIMINARY INJUNCTION.

31. IN DETERMINING WHETHER
PETITIONER IS ENTITLED TO A
TRO OR PI, THE COURT GENERALLY
CONSIDERS SEVERAL FACTORS:
① WHETHER THE PARTY WILL SUFFER
IRREPARABLE INJURY; ② THE
"BALANCE OF HARSHSHIPS" BETWEEN
THE PARTIES; ③ THE LIKELIHOOD
OF SUCCESS ON THE MERITS; ④
AND THE PUBLIC INTEREST. EACH
OF THESE FACTORS WEIGHS HEAVILY
IN FAVOR OF GRANTING THE
PETITIONER INJUNCTIVE RELIEF.
~~_____~~

C. PETITIONER IS SUFFERING A
CONTINUING VIOLATION OF HIS CONSTITUTION
AL RIGHTS, CONSTITUTING IRREPARABLE
HARM

32. THE USE OF THE "DOA ORDERS" IN THE CAPTIONED ACTIONS, TO DENY THE PETITIONER HIS STATUTORY RIGHT TO APPEAL AND REVIEW, BY THE SVA SPONTE DENIAL OF IFP STATUS, GIVES RISE TO THE PETITIONER'S RIGHT TO DECLARE A COLLATERAL ATTACK ON THE "DOA ORDERS", SEE D.I. 6 (10/11/05) AND D.I. 13 (1/13/06) IN CASE NO. 05-cv-574, WHICH ARE INCORPORATED HEREIN AS THOUGH FULLY SET FORTH HEREIN.

33. WHILE THE "DOA ORDERS" WERE INMALLY PLACED AT ISSUE BY KAISER'S ADVOCATE, THE USDC, KAISER ON 3/17/06, IN CASE NO. 06-cv-178, D.I. 6, "JOINT MOTION OF DEBTORS...", AT PG. 2, FOOTNOTE 4, HAS ADOPTED THE USDC'S POSITION, BY CITING TO AND RELYING UPON THE "DOA ORDERS" BY REFERENCE TO CASE NO. 05-cv-574, D.I. 3, 15 (SEE 06-cv-178, D.I. 6, BOTTOM OF PG. 3).

34. WHILE KAISER HAS ADOPTED THE USDC'S POSITION, THE ISSUE OF THE PETITIONER'S IFP BAR, BY A CLAIMED "3-STRIKES," IS NOT PROPERLY BEFORE THE COURT BY WAY OF A KAISER NOTICED MOTION, SUPPORTED BY SUFFICIENT ADMISSABLE

EVIDENCE, TO CAUSE THE BURDEN TO SHIFT TO THE PETITIONER, OR TO CREATE AN ACTUAL ARTICLE III CONTROVERSY, SEE DELEON v. DOE, 361 F.3d 93, AT 95 (2nd Cir 2004) (HOLDING THAT THE USDC ACTS IN ~~#~~ A CLEAR ABSENCE OF ALL JURISDICTION, WHEN THE COURT DECLARES A "3-STRIKE" DISMISSAL, ON A SUA SPONTE BASIS, WITHOUT A NOTICED MOTION, FROM THE OPPOSING LITIGANT, SUPPORTED BY ADMISSABLE EVIDENCE). LIKE IN DELEON, THIS USDC HAS ~~#~~ INVOLVED ITSELF IN A DISPUTE THAT MIGHT NEVER HAVE ANY PRACTICAL CONSEQUENCES, AS A "3-STRIKE" IIP DEFENSE CAN BE WAIVED.

35. IN THE CAPTIONED CASES, THE USDC HAS WRONGFULLY INVOLVED ITSELF, AS KAISER'S ADVOCATE (NOW ENDORSED BY KAISER) IN A POTENTIAL DISPUTE THAT HAD NO ACTUAL ARTICLE III CONTROVERSY, WHICH NOW SUBJECTS THE CLAIMED "DOA ORDERS" TO THE PETITIONER'S COLLATERAL ATTACK, INVOLVING MULTIPLE "FUNDAMENTAL" INTERESTS" OF THE PETITIONER, INTO THE LITIGATION WITH KAISER.

36. THE USE OF THE "DOA ORDERS" AGAINST THE PETITIONER, HAS INVOKED MULTIPLE "FUNDAMENTAL" INTERESTS" OF THE PETITIONER, IN THESE

ACTIONS, INCLUDING PETITIONER'S FUNDAMENTAL RIGHT TO A WAIVER OF COSTS & FEES AND MANDATORY ACCESS TO THE COURT TO CHALLENGE:

① A "VOID AB IN MO" 12/8/03 DIVORCE DECREE, ENTERED EX PARTE w/o NOTICE OR OPPORTUNITY TO THE PARTIES, WHICH GRANTED RELIEF IN EXCESS OF THAT ALLOWED BY A PRE-EXISTING "SEPARATION CONTRACT" (SEE EX. 2, ITEM "U", "SEPARATION CONTRACT", ENFORCEABLE IN THIS ACTION AGAINST THE "DOA ORDERS" BY R.C.W. 26.09.070(6) AND U.S. CONST. ART IV §1);

② A "VOID AB IN MO" ~~PERMANENT RESTRAINING~~ (SEE BODDIE V. CONNECTICUT, 401 U.S. 371 (1971)); ③ A "VOID AB IN MO" ~~PERMANENT~~ RESTRAINING ORDER, TERMINATING PETITIONER'S PARENTAL RIGHTS (SEE M.L.B. V. S.L.T., 519 U.S. 102 (1996)); AND ④ A "VOID AB IN MO" ORDER, ISSUED w/o BASIS IN FACT OR LAW, AND IN A CLEAR ABSENCE OF ALL JURISDICTION, TAKING PETITIONER'S LIBERTY (SEE MAYER V. CHICAGO, 404 U.S. 189 (1971)).

37. THE GRANTING OF FULL FAITH & CREDIT TO THE "DOA ORDERS" VIOLATES THE PETITIONER'S CONSTITUTIONALLY PROTECTED "VESTED RIGHTS" ESTABLISHED BY THE "FOREIGN JUDGMENTS" (EX. 2), WHICH CREATE A DUE PROCESS-PROTECTED PROPERTY INTEREST, UNDER THE 5TH & 14TH AMEND., (SEE ANDRE V. CO. OF NASSAU, 311 F. SUPP. 2d 325, AT 335, HEADNOTE [5] (E.D. NY 2004) CITING TO BENJAMIN V. JACOB SON, 124 F.3d 162, AT 176 (2ND CIR. 1997)); HODGES V. SNYDER, 261 U.S. 600, AT 603 (1923)).

38. THE USE OF 28 U.S.C § 1915(g) (2000) (LEGISLATION ADOPTED IN 2000) AND THE "DOA ORDERS" AGAINST THE PETITIONER VIOLATES THE JUDGMENT CREDITORS RIGHTS UNDER THE UNITED STATES CONSTITUTION'S CONTRACT CAUSE, SEE U.S. CONST, ART I § 10. SEE EX. 2, ITEMS b, c, d, e, f, m & o WHICH ARE FINAL JUDGMENTS WHICH WERE ENTERED, PRIOR TO THE ADOPTION OF § 1915(g) IN 2000. MCCULLOUGH v. VIRGINIA, 172 U.S. 102, AT 123-24 (1898) (IT IS NOT WITHIN THE POWER OF CONGRESS TO TAKE AWAY RIGHTS THAT HAVE BEEN VESTED BY FINAL JUDGMENT, ONCE AN ACTION PASSES TO FINAL JUDGMENT THE POWER OF THE CONGRESS TO DISTURB THE VESTED RIGHTS THEREBY CREATED CEASES). AS SUCH THE JUDGMENT CREDITOR'S "VESTED RIGHTS" CREATED BY THE FINAL JUDGMENTS LISTED ON EX. 2, CAN NOT BE RESTRICTED, BY DENYING THE JUDGMENT CREDITOR ACCESS TO THIS COURT, TO ENFORCE HIS "VESTED RIGHTS" PROTECTED BY U.S. CONST. ART 4 § 1 (FULL FAITH & CREDIT CONTRACT) AND U.S. CONST. ART. I § 10 (CONTRACT CAUSE),

SEE HOBES V. SNYDER, 261 U.S., 600, AT 603-04 (1923) (THE PRIVATE RIGHTS OF PARTIES TO LITIGATION WHICH HAVE BEEN ESTABLISHED AND "VESTED" BY THE JUDGMENT OF A COURT, CANNOT BE TAKEN AWAY BY SUBSEQUENT LEGISLATION, BUT MUST BE THEREAFTER ENFORCED BY THE COURT REGARDLESS OF SUCH LEGISLATION). AS SUCH THIS COURT MUST ENFORCE THE 7 SEPARATE FINAL JUDGMENTS (EX. 2, ITEMS B, C, D, E, F, M & O) WHICH PRE-DATE THE 2000 ENACTMENT OF § 1915(Q), NOT WITHSTANDING THE "DOA ORDER" WHICH PURPORT TO BAR ENFORCEMENT, AND MUST ALSO ENFORCE THE REMAINING 14 SEPARATE FINAL JUDGMENTS AND FINAL CONSENT DECRESSES, AS THEY SIMPLY ENFORCE, EXPEND AND FURTHER "VEST" THE RIGHTS VESTED BY THE ORIGINAL 7 FINAL JUDGMENTS. AS SUCH THIS COURT HAS A MANDATORY DUTY TO EXERCISE ITS AUTHORITY TO GRANT THE JUDGMENT CREDITOR'S COLLATERAL ATTACK ON THE "DOA ORDERS", TO VACATE AND DECLARE THE "DOA ORDERS" TO BE UNCONSTITUTIONALLY "VOID AB INITIO" AND TO FORGE WITH GRANT FULL FAIR & CREDIT.

TO THE 21 SEPARATE "FOREIGN
 JUDGMENTS", THEREBY ENFORCING
 THE JUDGMENT CREDITOR'S
 "VESTED RIGHTS" AND HIS
 "FUNDAMENTAL INTERESTS" THAT
 HAVE "STAKE" OR AT
 RISK IN THESE ACTIONS, BY
 KAISER'S USE (THROUGH THE
 ADVOCACY OF THE USDX) IN THESE
 ACTIONS OF THE "DOA ORDERS";
 TO DENY THE APPELLANT AND
 JUDGMENT CREDITOR HIS
 STATUTORY RIGHT TO REVIEW
 AND APPEAL, OF THE BANKRUPTCY
 COURT'S "RE-CLASSIFICATION" AND
"REDUCTION" OF THE PETITIONER'S
^{ALLOWED}
~~ACCREDITED~~ CLAIM (CLAIM # 736)

39. THE USE OF THE DOA ORDERS
 TO DENY THE PETITIONER ACCESS
 TO THIS COURT, FURTHER VIOLATES
 THE PETITIONER'S RIGHT TO WORK
 IN HIS COURT-APPOINTED OCCUPATION
 AS THE GENERAL MANAGER OF THE
 RESTRUCTURED DEBTOR, UNDER THE
 FOREIGN JUDGMENTS, ~~THE~~ PETITIONER
 WHICH IS PROTECTED BY THE

DUE PROCESS OR LAW PROVISIONS OR
 THE U.S. CONST 5TH & 14 AMEND.
 THE "FOREIGN JUDGMENTS" (EX. 2,
 ITEMS, 4, 9, 10, & 9) ESTABLISH A
 DIFFINITIVE PROPERTY IN PEST IN
 PETITIONER'S CONTINUED EMPLOYMENT,
 AS AN ARM-OF-THE-COURT, CHARGED WITH
 THE EXECUTION & ENFORCEMENT OF
 THE "FOREIGN JUDGMENTS", AND THESE
 FINAL JUDGMENTS AND FINAL CONSENT
 DECREES ~~SHOULD~~ ESTABLISH AN
 EXPRESSED CONTINUING FORMAL
 CONTRACT OF EMPLOYMENT, RECOGNIZED
^{FEDERAL AND} BY STATE LAW, STATUTE, RELOCATION
 AND RULE (SEE EX. 2, ITEM "9", ~~REG~~
 LAST 2 PGS) (SEE BISHOP V. WOOD, 426 U.S.
 341 (1976)). THE PETITIONER'S "RIGHT TO
 WORK" IN HIS COURT ORDERED EMPLOYMENT
 OF THE EXECUTION AND ENFORCEMENT
 OF THE "FOREIGN JUDGMENTS", IS THE
 VERY ESSENCE OF THE PERSONAL
 FREEDOM AND OPPORTUNITY THAT IT
 WAS THE PURPOSE OF THE 5TH & 14TH
 AMENDMENTS, TO SECURE, (SRR
TRUAX V. RAICH, 239 U.S. 33, AT 41
 (1915)). THE RESULT OF THIS COURT'S
 ENFORCEMENT OF THE "DOA ORDERS"
 IS AN ACTION BY THE GOVERNMENT
 (THROUGH THE USDC) TO DISCHARGE THE

PETITIONER, FOR SIMPLY HAVING SOUGHT TO DO HIS COURT ORDERED JOB OF ENFORCING AND EXECUTING ON THE 21 SEPARATE "FOREIGN JUDGMENTS". EX-2, ITEM "9" ANSWERS THE PETITIONER, AS A FINAL JUDGMENT CONTINUED EMPLOYMENT, UNTIL THE "FOREIGN JUDGMENTS" ARE SUCCESSFULLY AND FULLY EXECUTED ON AND ENFORCED, THE SUA SPONTE "DOA ORDERS", AND THE APPLICATION OF § 1915(3) CAN NOT BE USED TO INTERFERE WITH THE "VESTED RIGHT" OF CONTINUED EMPLOYMENT, AWARDED TO PETITIONER BY FINAL JUDGMENT.

40. D. PETITIONER IS SUFFERING IRREPARABLE HARM WARRANTING IMMEDIATE INJUNCTIVE RELIEF

40. AS A MATTER OF LAW THE CONTINUING DEPRIVATION OF A SINGLE CONSTITUTIONAL RIGHT CONSTITUTES IRREPARABLE HARM. ELROD V. BURNS, 427 U.S. 347 AT 373 (1976). IN THIS CASE, IT IS CLEAR THAT THE PETITIONER HAS SUFFERED ~~REPEATED~~ MULTIPLE PAST AND ONGOING VIOLATIONS OF CONSTITUTIONAL HIS CONSTITUTIONAL

AS A RESULT OF THE SOA SANCTE
 ISSUANCE AND ENFORCEMENT OR
 THE "DOA ORDERS," AS SUCH
 PETITIONER HAS ESTABLISHED A
 "PRESUMPTION OF IRREPARABLE" THAT
 IS FLOWING FROM THE MULTIPLE
 VIOLATIONS OF THE PETITIONER'S
 FUNDAMENTAL CONSTITUTIONAL
 RIGHTS BY THE SOA SANCTE
 ISSUANCE AND ENFORCEMENT
 OF THE "DOA ORDERS", SEE
JOLLY V. COOCHKLIN, 76 F.3d 468,
 AT 482 (2nd CIR 1996). EVEN A
 TEMPORARY DEPRIVATION OF A CONSTITUTIONAL
 RIGHT IS GENERALLY SUFFICIENT
 TO PROVE IRREPARABLE HARM, SEE
NAT'L PEOPLES ACTION V. WILMETTE
 914, F.2d 1008, AT 1013 (7th CIR. 1990);
ROSS V. MEESTER, 818 F.2d 1132, 1135
 (4th CIR 1987) (NOTING THAT DEPRIVATION
 OF ANY CONSTITUTIONAL RIGHT AMOUNTS TO
 IRREPARABLE HARM); MITCHELL V.
 CUOMO, 748 F.2d 804, AT 806 (2nd
 CIR 1984) (HOLDING THAT EVEN AN
 ALLEGED VIOLATION OF A CONSTITUTIONAL
 RIGHT IS A SHOWING OF IRREPARABLE
 HARM).

E. THE BALANCE OF HARSHKIDS
FAVORS THE PETITIONER

41. IN DECIDING WHETHER TO
 GRANT THE REQUESTED TRO/OSCE & P.I.

THE USDC COURT MUST ASK WHETHER
 THE SUFFERING OF THE MOVING PARTY,
 IF THE MOTION IS DENIED, WILL
 OUTWEIGH THE SUFFERING OF THE
 NON-MOVING PARTY (KAISER) IF THE
 MOTION IS GRANTED. KAISER IS NOT A
 DIRECT PARTY IN INTEREST AS TO THE "FOREIGN
 JUDGMENTS", AND WOULD NOT SUFFER ANY
 HARSHSHIP BY THE ISSUANCE OF THE REQUESTED
 TRO/OSC & P.I., OTHER THAN HAVING TO
 LITIGATE THE ISSUES OF THE BANKRUPTCY COURT'S
"RECLASSIFICATION" AND "REDUCTION" ON THE
 MERITS, IN THIS APPEAL. THE PETITIONER WILL
 GREAT AND IRREPARABLE HARSHSHIP BY THE
 COURT REFUSING TO ISSUE THE REQUESTED
 INJUNCTION, AS THIS COURT'S ENFORCEMENT
 OF THE SCA SECTION & EX PARTE "D.O.A.
 ORDERS" WILL INVALIDATE THE JUDGMENT
 CREDITOR'S "VESTED RIGHTS" IN THE
 "FOREIGN JUDGMENTS" IN THIS DISTRICT, AND
 WILL CAUSE THE PETITIONER FURTHER
 IRREPARABLE HARM AND HARSHSHIP TO
 THE RESTORATION OF HIS LOST ^{LIBERTY AND} COMMUNITY
 PROPERTY, AND MORE IMPORTANTLY HIS
 LOST PARENTAL RIGHTS, AND TIME WITH
 HIS MINOR CHILDREN, WHICH WILL BE
 PLACED HOMELESSLY AT RISK ~~AND~~ OF
 BEING FOREVER LOST, WHICH IS
 A HARSHSHIP AND LOSS WHICH CAN NOT
 BE REMEDIED BY A ~~THE~~ SUBSEQUENT
 MONEY JUDGMENT. THE PETITIONER'S
 PG 29 OR ~~35~~ 35

LOST TIME WITH HIS MAJOR CHILDREN, CAN NEVER BE RESTORED, PARTICULARLY AS THE CHILDREN APPROACH THE AGE OF MAJORITY. PETITIONER'S MOST SACRED RIGHT, A RIGHT GREATER THAN LIFE ITSELF ~~IS AT RISK IN~~ HAS NOW BEEN PLACED AT RISK IN THIS ACTION BY THE COURT'S MISPLACED ATTEMPTS TO ENFORCE THE "DOA ORDERS" WHICH MAY ACT TO FULLY TERMINATE THE PETITIONER'S PARENTAL RIGHTS, A HARM AND LOSS GREATER THAN ANY OTHER CONCIMINABLE.

F. THE PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

42. THE PETITIONER HAS A GREAT LIKELIHOOD OF SUCCESS ON THE MERITS IN THIS APPEAL. THE RECORD WILL SHOW AND ESTABLISH THAT THE BANKRUPTCY COURT'S "RE-CLASSIFICATION" AND "REDUCTION" OF THE PETITIONER'S ALLOWED CLAIM, WAS NOT MADE UPON ANY IDENTIFIABLE FACTS, EVIDENCE OR OPINION. THE DEBTOR ~~KAISER~~ SIMPLY DECLARED THAT THE PETITIONER'S ^{ALLOWED} CLAIM SHOULD BE RE-CLASSIFIED AND REDUCED, STATING SIMPLY THAT KAISER HAS "DETERMINED"

THAT THE ACCOURED CLAIM SHOULD BE RECLASSIFIED AND REDUCED, WITHOUT CITING TO A SINGLE FACT OR LEGAL AUTHORITY. THE PETITIONER'S CLAIM WAS ARBITRARILY RECLASSIFIED AND REDUCED, IT WILL BE SHOWN, IN "MASS," w/ 32 OTHER CLAIMS, w/o ANY ANALYSIS, BASIS, SUPPORTING FACTS BEING CITED TO BY KAISER OR THE COURT. THE RECORD WILL FURTHER ESTABLISH THAT THE PETITIONER'S DUE PROCESS RIGHTS WERE VIOLATED, AND THAT THE APPLICABLE STANDARDS, PURSUANT TO FRBP 3007, LOCAL RULE 3007-1, 11 U.S.C. § 507 AND OTHER PROVISIONS OF THE BANKRUPTCY CODE AND CASES OTHER THAN KAISER'S UNREPORTED, UNQUOTED, "DETERMINATION" THAT THE PETITIONER'S ACCOURED CLAIM SHOULD BE RE-CLASSIFIED AND REDUCED (WHICH IS AN INSUPPORTED ASSERTION, OR "BLANKET" CLAIM) THERE WAS NO BASIS FOR THE BANKRUPTCY COURT'S ORDER. SEE LONGSTRETH v. MAYNARD, 961 F.2d 875, AT 903 (10TH CIR 1992); ENG v. SMITH, 849 F.2d 80, AT 81 (2ND CIR 1988).

G. THE RELIEF SOUGHT WILL
SERVE THE PUBLIC INTERESTS

43. THE PUBLIC INTEREST IS SIGNIFICANTLY SERVED BY THE ENFORCEMENT OF PREVIOUSLY "VESTED" AND FULLY ADJUDICATED RIGHTS, AS THE PETITIONER AND JUDGMENT CREDITOR HAS AT STAKE IN THIS ACTION, NOW THAT MULTIPLE FUNDAMENTAL CONSTITUTIONAL INTERESTS OF THE PETITIONER HAVE BEEN PLACED "AT STAKE" AND AT RISK BY THE COURT ENFORCEMENT OF THE "VOID AB INILO", SUA SPONTE AND EX PARTE "DOA ORDERS," ENTERED IN A CLEAR ABSENCE OF ALL JURISDICTION AND CONTRARY TO ESTABLISHED CONSTITUTIONAL PROVISIONS, STATUTES AND AUTHORITY. SEE LIEWELYN v. OAKLAND CO. PROSECUTOR 402 F.Supp. 1379, AT 1393 (E.D. MICH 1975) ("THE CONSTITUTION IS THE ULTIMATE EXPRESSION OF THE PUBLIC INTEREST") TLQ INVESTMENTS, INC. v. CITY OF ROCHESTER 816 F.Supp. 516, AT 527 (D.MICH. 1993) ("UPHOLDING CONSTITUTIONALLY GUARANTEED RIGHTS IS IN THE PUBLIC INTEREST") HERE, THE PUBLIC INTEREST WOULD BE SERVED AND VIOLATED BY NOT ISSUING THE

REQUESTED TRO/OSCE & P.I.

H. PENTON FOR SHOULD NOT BE
REQUIRED TO POST SECURITY SINCE KASER
WILL NOT SUFFER MONETARY LOSS BY ATTITUDE

44. THE COURT SHOULD WAIVE
ANY REQUIREMENT FOR SECURITY TO
BE POSTED BY THE PENTON FOR /
JUDGMENT CREDITOR, FIRST BECAUSE
THE PENTON FOR IS INNOCENT AND
UNABLE TO POST SECURITY, AND THE
COURT HAS DISCRETION TO EXCUSE AN
IMPROVISED LITIGANT FROM POSTING
SECURITY, SEE GRANTES - HERNANDEZ.

SMITH, 541 F. SUPP. 351, AT 385 N. 30
(C.D. CAL. 1982); J.L. v. PARHAM, 412
F. SUPP. 112, AT 140 (N.D. GA 1976),

SECONDLY, AND MOST IMPORTANTLY,
KASER WILL NOT SUFFER ANY
MONETARY LOSS, BY THE ISSUANCE
OR THE TRO/OSCE & P.I., OTHER
THAN THE COST TO LITIGATE THE
ABOVE ISSUES ON THEIR MERITS,
SEE COTTER v. COAHOMA CO. 805 F. SUPP.
398, AT 408 (N.D. MISS. 1992); U.S. v.
STATE OF OREGON, 675 F. SUPP. 1249,
AT 1253 (D. OR. 1987).

CONCLUSION

FOR ALL OF THE FOREGOING REASONS
THE COURT SICKENS WANT THE REQUESTED
TRO/OSCE & P.I. IN THE INTERESTS OF JUSTICE
TO PREVENT A MISCHIEF OF JUSTICE.

DATED: 4/20/06 PG 33 OF 35

"FOREIGN JUDGMENTS"

EXHIBIT "2"

AUTHENTICATION & REGISTRATION THEREOF:

1. a. NOTICE of Filing of "Assignment of Interests in Bankruptcy Court Judgments Rendered in Another District, for the Benefit of Creditors, in aid of the Judgment, and in the aid of the Enforcement and Execution Thereof", filed 3-22-02 in Misc Case No 02-02, filed as Docket #535, on March 22, 2002, in Case No. 01-06073-W11, USBC-ED-WA;
2. b. "Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined With Notice Thereof", (hereinafter "Broadway Disclosure Statement"), entered December 21, 1998, as Docket #112 in Case No. LA 98-18082-SB, USBC-CD-CA-LA;
3. c. "Order Approving 'Judgment Creditors' Second Amended Chapter 11 Plan", (hereinafter "Broadway's First Plan w/Discharge"), entered March 19, 1999, in Case No. LA 98-18082-SB, USBC-CD-CA-LA, as Docket #129, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service on Counsel;
4. d. "Order Approving 'Judgment Creditors' Second Amended Chapter 11 Plan (As Modified)", (hereinafter "Broadway's Second Plan"), entered June 16, 1999, in Case No. LA 98-18082-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service;
5. e. "Findings of Fact and Conclusions of Law in Support of Order Disallowing Claims of John H. Smith and Robert Hayes", (hereinafter "Fraudulent Deed Findings"), entered December 29, 1998, in Adversary Case No. AD-98-01685-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of
6. f. Mailing and Proof of Service; "Judgment and Order Pursuant to Summary Judgment Motions", (hereinafter "Fraudulent Deed Judgment"), entered December 29, 1998, in Adversary Case No. AD 98-01685-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service;
7. g. "Stipulated Order Re: Liability and Damages", entered October 30, 2000 in Case No: CS-97-435-RHW, USDC-ED-WA;
8. h. Writ of Obedience #02-0001, issued May 31, 2002, in Spokane County Superior Court Case No. 02-2-02825-4; ~~DOC #14, FILED 10/21/04~~ @
9. i. Writ of Obedience #02-0002, issued June 6, 2002, in Case No. 02-2-02825-4; ~~DOC #15~~ @
10. j. Writ of Obedience #02-0003, issued June 7, 2002, in Case No. 02-2-02825-4; ~~DOC #16~~ @
11. k. Writ of Obedience #02-0004, issued June 12, 2002, in Case No. 02-2-02825-4; ~~DOC #17~~ @
12. l. Writ of Obedience #02-0005, issued July 18, 2002, in Case No. 02-2-02825-4. ~~DOC #18~~ @
13. m. ORDER denying relief from stay Re: Item # 41, with Notice of Entry, filed 1/11/2000 as Docket #137, incorporating therein "Opposition Re: Item # 41, to motions to lift stay: opposition to motion to annul stay, filed 12/9/1999, as Docket #94", and incorporating "Opposition Re: Item # 57, to motion to lift stay and to motion to annul, filed 12/10/1999, as Docket #95"; all filed in Case No. LA 99-39555-SB, USBC-CD-CA-LA;
14. n. BAP/USDC appeal judgment - the Bankruptcy Court judgment is AFFIRMED. BAP #CC-00-1049 RE: Item #154, filed 1/16/2001, as Docket #359, Case No. LA 99-39555-SB, USBC-CD-CA-LA;
15. o. ORDER Granting Debtors Motion to Strike Liens, filed 9/15/1998, as Docket #199, in Case No. 96-02980-K11, USBC-ED-WA;
16. p. NOTICE of Filing of "Request to Clerk for Registration of Judgment Rendered in Another Court, filed 3-21-02 as Misc Case No. 02-01 (02-01731 DJM \$), filed 3/27/2002, as Docket #536, Case No. 01-06073-W11, USBC-ED-WA;
17. q. EXHIBIT J Admitted at hearing on 12-5-01, re: Amendment to Settlement Agreement and Mutual Release and Personal Services Contract Effective 5-24-01 between Duncan J McNeil and Broadway Buildings II LP. Re: Oust Motin to Convert Case to Ch 7, Docket #44 & Joinder therein Docket #212, as Docket #459, Case No. 01-06073-W11, USBC-ED-WA;

⑧ DOCT'S REFER TO "PACER" DOCKET NUMBERS FOR CASE NO:
2:04-cv-00427-aam, USDC

EASTERN DISTRICT
OF WASHINGTON

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~~FOREIGN JUDGMENTS~~ EX-2
(PG 20F2)

1 EXHIBIT J Admitted at hearing on 12-5-01; Re: Amendment to Settlement
2 Agreement and Mutual Release and Personal Services Contract, effective 8-17-01
3 between Duncan J McNeil, GMFT Reorganization Corporation, and Broadway
Buildings II LP RE: Oust Motion to Convert Case to Ch 7, Docket #44 and Joinder
therein Docket #212, filed 1/4/2002, as Docket #460, Case No. 01-06073-W11,
USBC-ED-WA;

4 PROPOSED Exhibit "D-D" to Supplement Exhibits offered at hearing on 12-5-01;
RE: 1) Standard Form 95 Claim for Damages filed by Duncan J McNeil 11-23-99
with the Oust-Ed-WA, in the Sum of \$5211.926,, filed 2/6/2002, as Docket
#s 506, 506A, Case No. 01-06073-W11, USBC-ED-WA;

5 PROPOSED Exhibit "I-I" to Supplement Exhibits offered at hearing on 12-5-01; re:
6 1) Standard Form 95 Claim for Damages filed by Duncan J. McNeil on 3-6-98 with
the Oust-Ed-WA, in the sum of \$4,651,000. Re: Oust Motion to Convert Case to Ch
7, Docket #44 and Joinder therein Docket #212, filed 2/11/2002, as Docket #512,
Case No. 01-06073-W11, USBC-ED-WA;

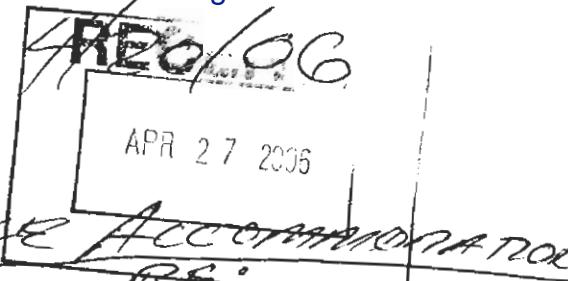
7 u. (1) NOTICE of Separation Contract & Dissolution of Marriage Contract Pursuant to
8 RCW 26.0-9.070 filed 7-26-01 as Document #4613783 with the County Recorder for
9 Spokane County, Washington, (pages 1 of 29 to 29 of 29); (2) JOINT Petition for
10 Dissolution of Marriage, filed 7-26-01 in Case No. 01-301586-7 (pages 2 of 29 to 5
11 of 29; 3) SEPARATION Contract and Dissolution of Marriage Contract Pursuant to
12 RCW 26.09.070, filed 7-26-01 in Case No. 01-301586-7, (pages 6 of 29 to 29 of 29),
13 filed 2/6/2002, as Docket #505, Case No. 01-06073-W11, USBC-ED-WA;
14 v. ~~Decree of Dissolution of Marriage, entered 7-26-01 in Spokane County Superior Court
Case #01-301586-7, except those portions of the decree that were entered in violation
of law, and in violation of the Complainant's civil and constitutional rights, as a
parent.~~

AUTHENTICATION & REGISTRATION OF JUDGMENTS

I, DUNCAN J. MCNEIL III, AM THE LAWFUL OWNER
OF THE FOREGOING LISTED "FOREIGN JUDGMENTS"
AND I HEREBY CERTIFY THAT TRUE AND CORRECT
COPIES OF THESE "FOREIGN JUDGMENTS" ARE ON
FILE IN THE IDENTIFIED ACTIONS AND DOCKET #S
AND THAT THESE "FOREIGN JUDGMENTS" ARE
OFFICIALLY PUBLISHED ON THE COURT'S "PACER"
SYSTEM, PURSUANT TO FRCP 44(a)(1) AND FRE
RULE 201(d)(2) AND ARE THE "OFFICIAL PUBLICATIONS
THEREOF". BY THIS MOTION/PETITION/APPLICATION
I REQUEST THAT THE CLERK OF THIS COURT
PRINT, FILE AND REGISTER THESE "FOREIGN
JUDGMENTS" FROM THE COURT'S "PACER" SYSTEM
AND THAT THESE "FOREIGN JUDGMENTS" BE
GRANTED FULL FAITH & CREDIT IN THIS COURT
PURSUANT TO 28 USC § 1963, 28 USC § 1732 AND
U.S. CONST. ART. IV § 1 (AND THE APPLICABLE STATE
LAW/JAO). I DECRAVE THE FOREGOING TO BE TRUE
AND CORRECT, UNDER THE PENALTY OF PERJURY.

DATED: 4/20/06

DOCUMENT SIGNATOR



TO: CLERK D-
 USDC-D-DE
REQUEST FOR REASONABLE ACCOMMODATION
 AS A REASONABLE ACCOMMODATION TO MY
 ESTABLISHED DISABILITY (CU-66-178)
 PER ADA & SECTION 508
 I AM REQUESTING THAT THE CLERK
 PROVIDE ME A COPIED COPY
 OF THIS URGENT MOTION (BY
 MAIL) AND THAT THE CLERK
 ELECTRONICALLY FILE THIS
 MOTION, AND ELECTRONICALLY
 SERVE COPIES OF SAID
 MOTION ON ALL PARTIES
 TO THE REFERENCED HONORABLE
 THANK YOU FOR ACCOMMODATING
 MY ESTABLISHED DISABILITY



~~SEARCHED~~
DUNCAN T. MCKEE
SOUTHERN CO. TAIR
1100 CO. MASON
SPOKANE, WA 99260

CLARK
US DISTRICT COURT
LOCK BOX 27
844 KING ST.
WILMINGTON, DE 19801

LEGAL MAIL